

pel



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/880,147	06/14/2001	Samuele Vinati	34669/GM/ch	5759

7590 12/21/2004
MODIANO & ASSOCIATI
Via Meravigli, 16
MILANO, 20123
ITALY

EXAMINER

HUA, LY

ART UNIT	PAPER NUMBER
----------	--------------

2135

DATE MAILED: 12/21/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/880,147

Applicant(s)

VINATI ET AL.

Examiner

Ly V. Hua

Art Unit

2135

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-6 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-6 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 14 June 2001 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. ____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. ____. |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date <u>3/28/02</u> . | 6) <input type="checkbox"/> Other: ____. |

Art Unit: 2135

DETAILED ACTION***Claim Rejections - 35 USC § 112***

1. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

2. Claims 1-6 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

3. With regard to claim 1:

- a. The phrase "the part" in the "entering" clause lacks antecedent basis.
- b. Each of the phrases "the network" in the "making," "entering" and the "allowing" clauses lacks proper antecedent basis. Notice that "a computer network" and "a data communication network" have been recited.
- c. The phrase "the network navigation" in the "steering" clause lacks antecedent basis.

4. With regard to claim 2:

- a. The phrase "said user age identifier" lacks antecedent basis.
- b. The phrase "the data of the user" lacks antecedent basis.

5. With regard to claim 3:

- a. The phrase "said user age identifier" lacks antecedent basis.
- b. The phrase "the transmission" lacks antecedent basis.

6. With regard to claim 4:

- a. The phrase "said user age identifier" lacks antecedent basis.
- b. The phrase "the network navigation program" lacks antecedent basis.

7. With regard to claim 6:

- a. It appears that the preposition "by" (second occurrence) is either not properly used or a word is missing after it.

Claim Rejections - 35 USC § 102

8. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:
A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent; or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

(e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371(c) of this title before the invention thereof by the applicant for patent.

Note: The changes made to 35 U.S.C. 102(e) by the American Inventors Protection Act of 1999 (AIPA) and the Intellectual Property and High Technology Technical Amendments Act of 2002 do not apply when the reference is a U.S. patent resulting directly or indirectly from an international application filed before November 29, 2000. Therefore, the prior art date of the reference is determined under 35 U.S.C. 102(e) prior to the amendment by the AIPA (pre-AIPA 35 U.S.C. 102(e)).

9. Claims 1, 2, 5 and 6 are rejected under 35 U.S.C. 102(e) as being anticipated by Skopp et al (6,256,739).

<p>10. Claim 1 claims a method:</p> <ul style="list-style-type: none"> a. for controlling access to a computer network as claimed b. comprising the steps of: <ul style="list-style-type: none"> i. upon connection of a user to a data communication network, <ul style="list-style-type: none"> (1) making available <ul style="list-style-type: none"> (a) on the network (b) an age identifier <ul style="list-style-type: none"> (i) which is suitable to <ul style="list-style-type: none"> 1) define the age <ul style="list-style-type: none"> a) of said user <ul style="list-style-type: none"> i) who wishes to make the connection; (2) entering, <ul style="list-style-type: none"> (a) on the part of said user, (b) an address <ul style="list-style-type: none"> (i) of a site <ul style="list-style-type: none"> 1) of interest 2) which the user intends to visit, (ii) said address being automatically associated <ul style="list-style-type: none"> 1) with said age identifier <ul style="list-style-type: none"> a) made available on the network; and (3) allowing <ul style="list-style-type: none"> (a) said user (b) to perform connection to the network (c) on the basis <ul style="list-style-type: none"> (i) of the reading <ul style="list-style-type: none"> 1) of said age identifier <ul style="list-style-type: none"> a) associated with said address keyed in by said user, and (4) steering accordingly <ul style="list-style-type: none"> (a) the network navigation <ul style="list-style-type: none"> (i) of said user. 	<p>11. As to claim 1, Skopps et al (6,256,739 teaches [Abstract; col. 2, lines 56-65] a method:</p> <ul style="list-style-type: none"> a. for controlling access to a computer network as claimed b. comprising the steps of: <ul style="list-style-type: none"> i. upon connection of a user to a data communication network, <ul style="list-style-type: none"> (1) making available <ul style="list-style-type: none"> (a) on the network (b) an age identifier <ul style="list-style-type: none"> (i) which is suitable to <ul style="list-style-type: none"> 1) define the age <ul style="list-style-type: none"> a) of said user <ul style="list-style-type: none"> i) who wishes to make the connection; (2) entering, <ul style="list-style-type: none"> (a) on the part of said user, (b) an address <ul style="list-style-type: none"> (i) of a site <ul style="list-style-type: none"> 1) of interest 2) which the user intends to visit, (ii) said address being automatically associated <ul style="list-style-type: none"> 1) with said age identifier <ul style="list-style-type: none"> a) made available on the network; and (3) allowing <ul style="list-style-type: none"> (a) said user (b) to perform connection to the network (c) on the basis <ul style="list-style-type: none"> (i) of the reading <ul style="list-style-type: none"> 1) of said age identifier <ul style="list-style-type: none"> a) associated with said address keyed in by said user, and (4) steering accordingly <ul style="list-style-type: none"> (a) a network navigation <ul style="list-style-type: none"> (i) of said user.
--	---

12. As to claim 2:
- a. Claims 2 claims:
 - i. 2. The method according to claim 1, wherein said step of making said user age identifier available on the network comprises
 - (a) verification of the data of the user who wishes to make the connection and
 - (b) comparison of said data with a database which contains the profiles of users registered with a service provider suitable to provide said connection.
 - b. Skopp teaches ["correlation"/"matching" (col. 9, lines 17-28) so as to verify a request made by the user]
 - i. that in his method, the step of
 - (1) making said user age identifier available on the network comprises
 - (a) verification of the data of the user who wishes to make the connection and
 - (b) comparison
 - (i) of said data [user's request including address, URL and user's identity/age information]
 - (ii) with a database [Access Control List (ACL)] which contains the profiles of users registered with a service provider suitable to provide said connection.
13. As to claim 5:
- a. Claim 5 claims:
 - i. 5. The method according to claim 1, wherein said connection to the data communication network allowed on the basis of the reading of said age identifier leads
 - (1) to unrestricted network navigation if said age identifier reveals an adult user or
 - (2) to a controlled network navigation if said age 30 identifier reveals a minor user.
 - b. Skopp teaches [col. 7, lines 41-62]
 - i. restriction being imposed by basing on user identity/age information.
14. As to claim 6:
- a. Claim 6 claims:
 - i. 6. The method according to claim 1, wherein said age identifier is associated with said address keyed in by said user directly by a network navigation program used by the user on his computer.
 - b. Skopp teaches [col. 6, lines 50-64]
 - i. identify of a user being associated with an IP address and IP address associated with the user can then be used to associate that user with future Web page requests having the same IP address.

Claim Rejections - 35 USC § 103

15. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:
(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.
16. Claims 3 and 4 are rejected under 35 U.S.C. 103(a) as being obvious over Skopp et al ('739) as applied to claim 1 above, and further in view of common practice in the art.

17. As to claims 3 and 4:
- a. These Claims 3 and 4 claim:
 - i. 3. The method according to claim 2, wherein said step of
(1) making said user age identifier available on the network furthermore comprises
(a) the transmission
 - (i) to said user
 - (ii) of said age identifier
 - 1) retrieved
 - a) from the user profile
 - b) found in said database.
 - b. 4. The method according to claim 1, wherein the step of
 - i. making said user identifier available on the network comprises the step of:
 - (1) entering
 - (a) said age identifier
 - (b) directly in the network navigation program used by the user to connect to said data communication network.
 - c. It would have been obvious to a person having ordinary skill in the art to realize that user's identity/age information can either be stored for ease of reading and making available or be entered by the user.
 - d. The skill person would have been motivated to use either one of the ways because those ways are common practices in the art of providing user's identify information.

18. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

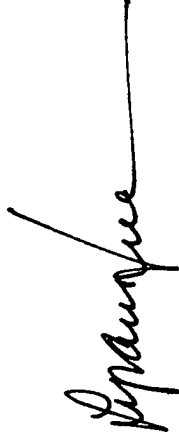
19. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Ly V. Hua whose telephone number is (571) 272-3853. The examiner can normally be reached on Monday to Friday from 9:00 AM to 5:30 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Vu Kim, can be reached on (571) 272-3853. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>.

20. The applicant is hereby notified that:

- a. The new phone number for TC 2100 receptionist is (571) 272-2100.



Ly V. Hua
Primary Examiner
Art Unit 2135

Lvh

December 13, 2004